

## **FREQUENTLY ASKED QUESTIONS**

### **DOE ASSISTANCE IN FILING STATE WORKERS' COMPENSATION CLAIMS**

#### **Who may apply for assistance under the DOE assistance program?**

You may submit an application for any illness that may have been caused by a toxic exposure to chemicals, radiation, or biological agents, while you were working for DOE. Survivors of DOE contractor workers may also apply for assistance. Claims for illnesses that are not caused by toxic substances, such as hearing loss, carpal tunnel syndrome, depression, or back injuries, cannot be considered by the physicians panel. Of course, if you have an illness or injury you believe is caused by your work, you have a right to file with the State's workers' compensation office, even without the support of the DOE program.

#### **What kinds of diseases are covered under this assistance program?**

Any illness caused by exposure to toxic substances. It is impossible to list all diseases that could be covered under this program, but toxin-related illnesses could include: asbestosis; cancers caused by toxic substances including radiation; liver disease; nervous system disorders; non-cancerous respiratory or kidney disease; heavy metal poisoning; and certain reproductive disorders.

#### **What is a "physician panel"? Who picks the doctors? Will they examine me?**

The physicians panels will be composed of independent doctors who specialize in work-related disease; the physicians will be selected by the Department of Health and Human Services. Each panel will provide DOE with an impartial determination as to whether the illness or death of a worker arose out of the worker's employment by a DOE contractor and because of the worker's exposure to a toxic substance. The doctors on the panel will not perform personal medical examinations or conduct or order medical testing; they conduct "paper reviews" of all relevant documentation, including but not limited to a worker's employment and exposure records, medical records, and if applicable, death certificate.

#### **What could I get if I apply for State workers' compensation with DOE's assistance?**

If your claim is accepted by the State, benefits would vary from State to State, but would generally consist of wages you lost due to your illness and the medical costs associated with your disease.

#### **Where can I get an application form?**

You can get an application form in four different ways:

1. In person from a DOE site, from a Resource Center, or from any DOE-sponsored Former Worker Program project office.
2. Through a written request to DOE Office of Worker Advocacy, 1000 Independence Avenue, SW, Washington, DC 20585;
3. Through a telephone request to the toll free help line at 1-877-447-9756; or
4. Print a copy from the DOE website at <http://tis.eh.doe.gov/advocacy>.

**What other paperwork will I need to submit to DOE with my application?**

As part of your complete application packet, you must submit several items:

1. Completed application form, which includes a legal form – an “affidavit” – which you must sign to verify the accuracy of your application;
2. Name and address of any doctor who has told you that your illness is work-related, and if possible, a copy of both the diagnosis and a brief summary of how that diagnosis was reached (your doctor can help you with this information);
3. A signed medical release, which allows your doctors and other non-DOE medical personnel to provide the physicians panel with any pertinent medical records;
4. If possible, a work history which you may be able to get from your doctor, an occupational health professional, or a DOE-sponsored Former Worker Program (if you cannot obtain this information, and DOE still requires it, the Office of Worker Advocacy will help you get the proper information); and
5. Copies of any other information you or DOE may need to support your claim (for example, death or marriage certificates).

**Will my employer be able to have any input into my application process?**

Yes. DOE is required to notify your contractor employer of your application for assistance. Your employer may decide to submit information related to your claim.

**How do I get a physicians panel review?**

DOE Office of Worker Advocacy will submit your completed application to a physicians panel if the Office finds that there is reasonable evidence – including medical information – that:

1. You did, in fact, work for a DOE contractor or subcontractor;

2. Your illness (or in the case of a survivor, the death of the former employee) may have been caused by exposure to a toxic substance; and
3. Your illness (or in the case of a survivor, the death of your family member) may have been caused by working at a DOE facility.

**What kinds of documents will the physician panel use to make their decisions?**

Some examples of documents the physicians panels will look at include a worker's:

1. Medical records;
2. Employment records;
3. Exposure records;
4. Occupational history;
5. Workers' compensation records;
6. Medical literature or reports;
7. Medical examiner's report or death certificate; and
8. Any information submitted as part of any Federal compensation claim the worker may have filed with the Department of Labor (may include does estimates supplied by the Department of Health and Human Services).

**What if the physician panel wants more information?**

If, after reviewing all the information supplied by DOE in an application, the physician panel still feels its needs more information, it may request:

1. A recorded interview, under oath, with you;
2. Additional medical information from you or your doctor;
3. Additional information that DOE or your contractor employer may have;
4. Consultations with medical or occupational health specialists; or
5. Additional medical or scientific literature searches, or any information they may need.

**When should I expect to hear the panel's decision?**

The physician panel is required to submit its determination and findings to DOE within 30 working days of its receipt of the application, unless the DOE Office of Worker Advocacy grants a specific extension of time.

**What happens after a panel determines that my illness was caused by exposure to toxic substances while working at a DOE facility?**

If the finding is accepted by the Office of Worker Advocacy, that Office will then:

1. Assist you in filing a claim with your State's workers' compensation program by supplying the physician panel determination and supporting documentation; and
2. Advise the responsible DOE official to direct your contractor employer, to the extent permitted by law, not to contest your State claim or award with respect to the health condition for which you received a favorable physician panel determination. If the contractor opposes your claim, its costs will not be reimbursed by DOE.

**Can I appeal if the physician panel or DOE rule against me?**

Yes. You may appeal a final adverse decision on your application to the DOE's Office of Hearings and Appeals. If you decide to apply for this review, your appeal must be filed within 30 days from the date of the Office of Worker Advocacy's letter of final determination.